

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FUJITSU LIMITED

PLAINTIFF,

v.

TELLABS OPERATIONS, INC., AND TELLABS, INC.

DEFENDANTS.

CIVIL ACTION No. 1:09- cv-04530

**JUDGE HOLDERMAN
MAGISTRATE JUDGE COLE**

JURY TRIAL DEMANDED

TELLABS OPERATIONS, INC.,

PLAINTIFF,

v.

FUJITSU LIMITED AND FUJITSU NETWORK
COMMUNICATIONS, INC.,

DEFENDANTS.

CIVIL ACTION No. 1:08- cv- 3379

**JUDGE HOLDERMAN
MAGISTRATE JUDGE COLE**

JURY TRIAL DEMANDED

FUJITSU LIMITED

COUNTERCLAIMANT,

v.

TELLABS OPERATIONS, INC., TELLABS, INC., AND
TELLABS NORTH AMERICA, INC.,

COUNTER DEFENDANTS.

**FUJITSU LIMITED'S AND FUJITSU NETWORK COMMUNICATIONS,
INC.'S SUPPLEMENT TO ITS MOTION TO SET A SCHEDULE TO
SERVE FINAL CONTENTIONS AND IN THE ALTERNATIVE TO FILE
AMENDED FINAL INFRINGEMENT CONTENTIONS**

Fujitsu Limited and Fujitsu Network Communications, Inc. (collectively “Fujitsu”), by and through its counsel, David C. Van Dyke, respectfully supplements its *Motion to Set a Schedule to Serve Final Contentions and in the Alternative to File Amended Final Infringement Contentions* (Dkt. 397, October 20, 2011), to provide the Court with the additional claim charts that Tellabs requested on October 27, 2011. *See* letter from Tellabs’ counsel Benjamin Kelly to Fujitsu’s counsel David Van Dyke (attached hereto as Exh. 22), requesting an explanation of how Fujitsu’s proposed infringement contentions (Exhs. 4-8 to Gino Cheng’s Decl. in Support of Fujitsu’s Motion, Dkt. 397-1) differ from the 2008 infringement contentions and, further, “a redline comparison between the claim chart” for each of the four asserted Fujitsu patents.

Fujitsu provided these charts to Tellabs within one week of receiving Tellabs’ request. *See* letter from Fujitsu’s counsel Robert Isackson to Tellabs’ counsel James Bradley (attached hereto as Exh. 23). Fujitsu’s letter provided a brief summary of the changes between the 2008 infringement contentions and the proposed infringement contentions and also enclosed eight additional claim charts. These charts include four redlined comparisons between the of the 2008 infringement contentions and the proposed infringement contentions for the ‘418, ‘737, ‘163 and ‘681 patents (attached hereto as Exhs. 24, 25, 26 and 27¹ respectively).

¹ Due to a clerical error during the formatting of the 130-plus-page claim chart, a single row corresponding to a single module was inadvertently omitted from the copy previously submitted to the Court as Exhibit 8 to Mr. Cheng’s declaration (but otherwise titled Exhibit D in its upper margin). That row and its contents have been reinserted so that it appears on page 28 of the corrected Exhibit 8, attached hereto as Exhibit 8A.

In addition, a few citations to certain Oplink deposition exhibits using Bates numbers were inadvertently identified with the “OCL” rather than the “OPL” prefix. However, in each instance it is clear from the accompanying deposition exhibit number (in the 420’s and above) and/or from the inclusion of the word “Oplink” in the title of the cited document that the citation refers to an Oplink document, rather than an Oclaro document (whose deposition exhibit numbers are in the 300’s). Although there should be no confusion in identifying the intended third-party document, Fujitsu has nonetheless fixed the Bates range citations that now properly appear on pages 9, 16, 22, 23, 30, 31, 43, 44, 74, 83, 84, 88 and 105 of Exhibit 8A.

Fujitsu respectfully provides the Court with a redlined comparison (attached hereto as Exhibit 32) between the 2008 infringement contentions and Exhibit 8A.

The latter four of the eight charts that Fujitsu provided to Tellabs are highlighted versions of the proposed infringement contentions for the '418, '737, '163 and '681 patents (attached hereto as Exhs. 28, 29, 30 and 31² respectively) that show (i) in yellow highlighting the portions of the proposed contentions that were taken verbatim from the 2008 infringement contentions and (ii) in red highlighting the portions of the proposed contentions that are based on or otherwise informed by recently discovered evidence produced subsequent to January 1, 2011 by either Tellabs or a third party.

Respectfully submitted,

Dated: November 16, 2011

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² Fujitsu respectfully provides the Court with the corresponding highlighted version of Exhibit 8A, attached hereto as Exhibit 33.

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